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10/769,117

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EXAMINER

WEST, THOMAS C

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/769,117	<b>Applicant(s)</b> FURLONG ET AL.	
	<b>Examiner</b> THOMAS WEST	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the Request for Continued Examination filed July 3, 2008.
2. Claims 1-6, 13-26 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 2, 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “displaying controls including a first and second button”, but does not positively recite the actual activating of the first and second button.

Claims 2, 4, 6 recite “without user input”, however it is not clear to one of ordinary skill what Applicant intends by this limitation, as Applicant has not limited the “user input”. For example, turning on a computer, checking e-mail, opening an application or a file, and accessing different features of an application (e.g. “print”, selecting a font) are all examples of user input, which take place, or can take place while performing a data processing action (*In re Zletz*, 13 USPQ2d 1320 (Fed. Cir. 1989)).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 13-26 are rejected under U.S.C. 102(b) as being unpatentable over Vance, U.S. Patent No. 6,442,526.

**Claims 1, 3, 5:**

Vance, as shown, discloses the following limitations:

displaying controls including a first button and a second button (see figures 15A-G, top menu bar, new trip icon button 360, see at least col. 11, lines 41-59)

in response to each activation of the first button: creating a new activity item (see new trip icon button 360, see at least col. 11, lines 41-59)

establishing a user-selected activity type for the created activity item (new trip icon button 360, see at least col. 11, lines 41-59)

creating an expense item (see column 8, lines 66-67, column 9, lines 1-10)

consulting a predetermined mapping from activity types to expense types to automatically establish an expense type for the created expense item (see column 8, lines 66-67, column 9, lines 1-10)

creating a new expense report (see column 8, lines 66-67, column 9, lines 1-10)

adding all created expense items to the created expense report (see column 8, lines 66-67, column 9, lines 1-10)

submitting the created expense report containing the added created expense items (see column 13, lines 26-36)

**Claims 2, 4, 6:**

Vance, as shown, discloses the following limitations:

establishing for the created activity item a date designated by a user for the activity item (see column 8, lines 66-67, column 9, lines 1-10)

without user input specifying a date for the created expense item, establishing for the created expense item the same date designated by a user for the activity item (see column 8, lines 66-67, column 9, lines 1-10)

Claims 2, 4, 6 recite “without user input”. However, it has been held it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result (In re Venner, 120 USPQ 192 (CCPA

1958); In re Rundell, 9 USPQ 220). Therefore, it is at least obvious to one of ordinary skill to fully automate the expense reporting function of Vance et al. (figures 10 and 16B-K). Nonetheless, Vance et al. clearly teach that expense reports can be generated semi-automatically or can be autofilled from a corporate database (column/line 12/65-13/20).

**Claims 13, 18, 19, 23:**

The method of claim 1, wherein the establishing a user-selected activity type for the created activity item comprises: providing a user with a list of activity item types (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claim 14:**

The method of claim 13, wherein the list of activity item types is maintained by the user and contains activity item types predefined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claim 15:**

The method of claim 1, wherein the pre-determined mapping is defined by an application administrator (see column 8, lines 66-67, column 9, lines 1-10)

**Claim 16:**

The method of claim 1, wherein the activity item type corresponds to one of appointments, meetings, presentations, trips, travel, demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claims 17, 22, 26:**

The method of claim 1, wherein the application administrator predefines activity item types by providing information corresponding to at least one of a description of the activity, itemized tasks associated with the activity type, whether the activity item type is associated with a particular client, and whether the activity item type is expensible (see column 2, lines 55-60).

**Claim 20:**

The computer readable storage medium of claim 3, wherein the pre-determined mapping is defined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claim 21:**

The computer readable storage medium of claim 3, wherein the activity item type corresponds to one of appointments, meetings, presentations, trips, travel, demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claim 24:**

The computing system of claim 23, wherein the list of activity item types is maintained by the user and contains activity item types predefined by an application administrator (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure



16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

**Claim 25:**

The computing system of claim 5, wherein the activity item type corresponds to one of appointments, meetings, presentations, trips, travel, demonstrations, and drafting correspondence (see top menu bar including: trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q).

***Response to Arguments***

**6.** Applicant's arguments with respect to claims 1-6, 13-26 have been considered but are not persuasive. Applicant's argues that Vance fails to teach a user-selected activity type. The Examiner respectfully points to a trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, showing several activity and expense types. Therefore Vance teaches a predetermined mapping from activity types to expense types as shown by at least figure 16A, expense report log generated from the trip activity log figure 15G. Applicant's argues that Vance fails to teach the activity item creation button. Vance clearly shows this in the trip activity log, figures 14A-S, 14U-X and 15A-G activated by the new trip icon button 360, see at least col. 11, lines 41-59.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas West whose telephone number is 571-270-1236. The examiner can normally be reached on M-R 7:30am - 5pm EST, ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas West  
Patent Examiner  
Art Unit 3685  
July 14, 2008

/Calvin L Hewitt II/  
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